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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,927	01/29/2002	Masanori Takeuchi	218958US2	3757
22850	7590	07/27/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,927	<b>Applicant(s)</b> TAKEUCHI ET AL.	
	<b>Examiner</b> Marissa Thein	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 12, 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2006 has been entered.

### ***Response to Amendment***

Applicants' "Request for Continued Examination" filed on May 12, 2006 has been considered.

Applicants' response by virtue of amendment to claim 10 has overcome the Examiner's rejection under 35 USC 112, first paragraph.

Applicants' response by virtue of amendment to claim 18 has overcome the Examiner's rejection under 35 USC 112, second paragraph.

Claims 10, 12, and 18 are amended. Claim 13 is cancelled. Claims 10-12, and 14-18 are pending in this application and an action on the merits follows.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10-12, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2003/0105641 to Lewis in view of U.S. Patent No. 4,993,753 to Weeks.**

Regarding claim 10, Lewis discloses a data processing apparatus comprising: data communication means for executing a data communication by establishing an access from a portable electronic terminal storing necessary data for data processing with respect to an objective action wherein the objective action is ticket printing or processing product sales data (paragraph 10; paragraph 20; paragraph 30); data reception means for receiving the data from the portable electronic terminal through the data communication means when the data processing for the objective action is executed (paragraph 10; paragraph 20; paragraph 30); and objective execution means for executing the data processing with respect to the objective action by using the data received by the data reception means wherein the objective execution means processes the ticket pricing objective action (paragraph 10; paragraph 30).

However, Lewis does not explicitly disclose the processing the ticket printing objective action with a higher priority relative to the processing of the product sales. Lewis does disclose a customer may conduct a search of the various websites to determine if a particular event is or will be available. Once the customer selects an event a ticket or a pass may be sent to the device or to the customer. (Paragraph 30)

Weeks, on the other hand, teaches the processing the ticket printing objective action with a higher priority relative to the processing of the product sales (col. 1, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Lewis, to include the processing the ticket printing objective action with a higher priority relative to the processing of the product sales, as taught by Weeks, in order to correct any mistakes on the ticket (Weeks, col. 1, line 34), thus providing the correct information on a ticket.

Regarding claims 11-12, 14-15, and 17-18, Lewis discloses the processing apparatus is a product sales data processing apparatus (paragraph 26; paragraph 32) **(claim 11)**; the data communication means allows the portable electronic terminal to access the data processing apparatus while the processing apparatus is set so as to operate predetermine business menu (paragraph 10; paragraph 20; paragraph 30) **(claim 12)**; a ticket printer for printing ticket (paragraph 21) **(claim 14)**; the data for data processing with respect to the ticket printing is data for identifying a person who purchases the ticket (paragraph 24) **(claim 15)**; program transmission means for transmitting a program (paragraph 20; paragraph 26; paragraph 30) **(claim 17)**; and a program presents performance to the portable electronic terminal being able to display a request to send data screen for permitting the portable electronic terminal to send the data for data processing with respect to the objective action, and being able to send the data to the data processing apparatus when the data sending is permitted on the request to send data screen (paragraphs 20-23) **(claim 18)**.

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2003/0105641 to Lewis and U.S. Patent No. 4,993,753 to Weeks as applied to claim 10 above, and further in view of U.S. Patent No. 5,689,503 to Wada et al.** Lewis and Weeks substantially discloses the claimed invention, however, the combination does not explicitly disclose when access from one portable terminal is established by the communication means the means excludes access by others. The combination does disclose an electronic ticking and validation system which can comprise a wireless handheld device which is capable of accessing the Internet (Lewis, paragraph 30).

Wada, on the other hand teaches when access from one portable terminal is established by the communication means the means excludes access by others (col. 6, lines 17-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include when access from one portable terminal is established by the communication means the means excludes access by others, as taught by Wada, in order to forbid access by other mobile stations (Wada, col. 6, lines 17-18), thus providing no interruptions (Wada, col. 7, lines 41-42).

### ***Response to Arguments***

Applicant's arguments with respect to claims 10-12 and 14-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
July 24, 2006

*Michael Cuff 7/24/06*  
**MICHAEL CUFF**  
**PRIMARY EXAMINER**